

U.S. District Court
Southern District of Illinois (East St. Louis)
CIVIL DOCKET FOR CASE #: 3:17-cv-01232-MJR-GCS

Brown v. U.S. Department of Health and Human Services
Assigned to: Chief Judge Michael J. Reagan
Referred to: Magistrate Judge Gilbert C. Sison
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 11/10/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Nathaniel O. Brown

represented by **Frederick W. Keck**
Weilmuenster Law Group PC
3201 West Main Street
Belleville, IL 62226
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ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Department of Health and Human Services

represented by **Adam E. Hanna**
Assistant U.S. Attorney – Fairview Heights
9 Executive Drive
Suite 300
Fairview Heights, IL 62208
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 11/10/2017 | <u>1</u> | COMPLAINT for <i>Injunctive Relief</i> against United States Department of Health and Human Services (Filing fee \$ 400 receipt number 0754-3397332.), filed by Nathaniel O. Brown. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(Keck, Frederick) (Entered: 11/10/2017) |
| 11/13/2017 | <u>2</u> | Notice of Judge Assignment. Chief Judge Michael J. Reagan and Magistrate Judge Stephen C. Williams assigned. All future documents must bear case number 17-1232-MJR-SCW. If the parties consent to Magistrate Judge assignment, the consent form with instruction is attached for your convenience. Refer to Civil/Removal Case Processing Requirements, found on the ILSD website, for further service information. (lmb) (Entered: 11/13/2017) |
| 11/13/2017 | <u>3</u> | NOTICE OF ACTION. See Local Rule 83.1(f). In all cases filed in, removed to, or transferred to this court, all attorneys, including government attorneys, shall file a written entry of appearance before addressing the court. Attorney Keck does not have a Notice of Appearance on file in this case. (lmb) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/13/2017) |
| 11/13/2017 | <u>4</u> | NOTICE of Appearance by Frederick W. Keck on behalf of Nathaniel O. Brown (Keck, Frederick) (Entered: 11/13/2017) |
| 11/29/2017 | <u>5</u> | Summons Requested. (Keck, Frederick) (Entered: 11/29/2017) |

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| 11/30/2017 | <u>6</u> | Summons Issued as to U.S. Department of Health and Human Services. (cjo) (Entered: 11/30/2017) |
| 12/15/2017 | <u>7</u> | SUMMONS Returned Executed by Nathaniel O. Brown. U.S. Department of Health and Human Services served on 12/5/2017, answer due 2/5/2018. (Keck, Frederick) (Entered: 12/15/2017) |
| 01/02/2018 | <u>8</u> | NOTICE of Appearance by Adam E. Hanna on behalf of U.S. Department of Health and Human Services (Hanna, Adam) (Entered: 01/02/2018) |
| 01/02/2018 | <u>9</u> | ANSWER to <u>1</u> Complaint, by U.S. Department of Health and Human Services.(Hanna, Adam) (Entered: 01/02/2018) |
| 01/14/2018 | <u>10</u> | Joint MOTION to Stay Case by U.S. Department of Health and Human Services. (Hanna, Adam) (Entered: 01/14/2018) |
| 01/16/2018 | <u>11</u> | ORDER : The parties' have jointly moved for a stay of these proceedings to allow Plaintiff to refile and pursue a Freedom of Information Act ("FOIA") request. The parties anticipate that Plaintiff will secure the information he is seeking via this course of action. Accordingly, the parties seek to stay this matter to promote judicial efficiency. The Court considers several factors to determine whether a discretionary stay is appropriate, including: whether a stay will unduly disadvantage the non-movant; whether a stay will streamline and simplify matters for trial; and, whether a stay will reduce the burden of litigation on the parties and the Court. <i>See e.g.</i> <i>Landis v. North American Co.</i> , 57 S.Ct. 163 (1936). Here, a stay would not unduly prejudice either side, and it may eliminate the need for litigation entirely. The parties' joint request for a stay (Doc. <u>10</u>) is hereby GRANTED. A status report shall be filed with the Court by Monday, March 19, 2018. Signed by Chief Judge Michael J. Reagan on 1/16/2018. (rah)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/16/2018) |
| 03/19/2018 | <u>12</u> | STATUS REPORT by Nathaniel O. Brown. (Keck, Frederick) (Entered: 03/19/2018) |
| 03/21/2018 | <u>13</u> | ORDER: The Court is in receipt of Plaintiff's timely status report, filed March 19, 2018. Plaintiff indicates that the FOIA process is ongoing. Accordingly, Plaintiff is directed to file another status report by Monday, June 18, 2018, or at an earlier date if the matter is resolved. Signed by Chief Judge Michael J. Reagan on 3/21/2018. (rah)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/21/2018) |
| 06/19/2018 | <u>14</u> | STATUS REPORT by Nathaniel O. Brown. (Keck, Frederick) (Entered: 06/19/2018) |
| 06/20/2018 | <u>15</u> | ORDER: The Court is in receipt of Plaintiff's timely status report, filed June 19, 2018. Plaintiff indicates that the FOIA process is ongoing. Accordingly, Plaintiff is directed to file another status report by Tuesday, September 18, 2018, or at an earlier date if the matter is resolved. Signed by Chief Judge Michael J. Reagan on 6/20/2018. (rah)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 06/20/2018) |
| 12/14/2018 | <u>16</u> | STATUS REPORT by Nathaniel O. Brown. (Attachments: # <u>1</u> Exhibit 1)(Keck, Frederick) (Entered: 12/14/2018) |
| 12/18/2018 | <u>17</u> | MOTION to Lift Stay by U.S. Department of Health and Human Services. (Hanna, Adam) (Entered: 12/18/2018) |
| 12/19/2018 | <u>18</u> | ORDER: In light of the parties' representations, the stay is hereby lifted. The Government shall file a brief on exhaustion of administrative remedies by January 10, 2019. Plaintiff shall respond by January 24, 2019. No extensions will be granted. Signed by Chief Judge Michael J. Reagan on 12/19/2018. (rah)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 12/19/2018) |
| 01/03/2019 | <u>19</u> | Case Reassigned to Magistrate Judge Gilbert C. Sison. Magistrate Judge Stephen C. Williams no longer assigned to the case. (dmw2) (Entered: 01/03/2019) |
| 01/09/2019 | <u>20</u> | MOTION for Summary Judgment by U.S. Department of Health and Human Services. Responses due by 2/11/2019 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Hanna, Adam) (Entered: 01/09/2019) |

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| 01/25/2019 | <u>21</u> | MOTION for Leave to File <i>Amended Complaint</i> by Nathaniel O. Brown. (Attachments: # <u>1</u> Exhibit A)(Keck, Frederick) (Entered: 01/25/2019) |
| 01/28/2019 | 22 | ORDER: The Government must respond to the Motion for Leave to Amend (Doc. <u>21</u>) by Friday, February 15, 2019. Signed by Chief Judge Michael J. Reagan on 1/28/2019. (rah)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/28/2019) |
| 01/29/2019 | <u>23</u> | CJRA TRACK B assigned: Final Pretrial Conference set for 5/1/2020 at 11:00 AM in East St. Louis Courthouse before Chief Judge Michael J. Reagan. Bench Trial set for 5/11/2020 at 9:00 AM in East St. Louis Courthouse before Chief Judge Michael J. Reagan. (Attachments: # <u>1</u> Consent to Magistrate Judge)(rah) (Entered: 01/29/2019) |